

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES KLEINBROOK,

Plaintiff,

v.

No. 1:24-cv-00894-SCY

RIO RANCHO POLICE DEPARTMENT,
FNU LNU, Chief of Rio Rancho Police Department,
UNIVERSITY OF NEW MEXICO MEDICAL HOSPITAL and
FNU LNU, Chief Executive Officer of UNM Medical Hospital,

DEFENDANTS.

ORDER REGARDING FILING DOCUMENTS

The Court ordered *pro se* Plaintiff show cause why the Court should not dismiss this case and to file an amended complaint by October 8, 2024. *See* Order to Show Cause at 9, Doc. 6, filed September 17, 2024. On October 8, Plaintiff emailed the form “Consent to Proceed/Refusal to Consent to Proceed Before a United States Magistrate Judge” and an Amended Complaint to the CM/ECF Help Desk. Plaintiff stated he was refused entry to the courthouse to file the Amended Complaint because he does not have a photo ID.

The Court notified Plaintiff that the Clerk’s Office does not accept documents for filing via email and that Plaintiff may file documents by: (i) using the Case Management/Electronic Case Files (“CM/ECF”) electronic filing system; (ii) delivering the documents to the Clerk’s Office; or (iii) mailing the documents to the Clerk’s Office at the following address:

Pete V. Domenici United States Courthouse
333 Lomas Blvd. NW, Suite 270
Albuquerque, NM 87102.

See Order Regarding Emailing Documents for Filing, Doc. 8, filed October 9, 2024.

Plaintiff sent two additional emails to the CM/ECF Help Desk on October 9, 2024, requesting that he be allowed to file documents via email on the grounds that he does not have the means to mail documents. *See* Application to Proceed in District Court Without Prepaying Fees or Costs at 4, Doc. 2, filed September 6, 2024 (stating Plaintiff is homeless).

The Court will make an exception this one time and have the “Consent to Proceed/Refusal to Consent to Proceed Before a United States Magistrate Judge” and an Amended Complaint, which Plaintiff emailed to the CM/ECF Help Desk, filed in this case. The Court will not require Plaintiff to file any additional documents within 30 days of entry of this Order to allow Plaintiff time to obtain a photo ID.

The Court also grants Plaintiff permission to file electronically via CM/ECF in this case only. *See* Guide for Pro Se Litigants at 13, District of New Mexico (October 2022) (“approval to electronically file documents within a case must be granted by the presiding judge for each case in which the *pro se* litigant wishes to file using their CM/ECF account”). The Court will revoke permission to file electronically if Plaintiff abuses his electronic filing privilege or fails to comply with the rules and procedures in the District of New Mexico’s Guide for Pro Se Litigants and the District of New Mexico’s CM/ECF Administrative Procedures Manual. Account registration forms, procedure manuals, and other information can be obtained at the Court’s website at <http://www.nmd.uscourts.gov/filing-information>. This Order only grants Plaintiff permission to participate in CM/ECF; Plaintiff is responsible for registering to become a participant. *See* CM/ECF Administrative Procedures Manual, District of New Mexico (Revised January 2021).

IT IS ORDERED that:

- (i) The Clerk’s Office shall file Plaintiff’s “Consent to Proceed/Refusal to Consent to Proceed Before a United States Magistrate Judge” and Amended Complaint, both

of which Plaintiff submitted by email to the CM/ECF Help Desk on October 9, 2024.

- (ii) Plaintiff's request to file additional documents via email is **DENIED**.
- (iii) Plaintiff is granted permission to file documents electronically via CM/ECF in this case only.


UNITED STATES MAGISTRATE JUDGE